

Preserve, Protect PREVAIL!

Building set backs and lot sizes are often defining features of a neighborhood, giving blocks a certain look and feel. Neighborhoods inside the 610 Loop that want to preserve this aspect of their character may want to explore using the Prevailing Lot Size or Prevailing Building Line application. In order to qualify, your neighborhood must not have deed restrictions that address lot size or building lines for all properties within the subdivision.

What is a prevailing lot size?

Sometimes referred to as the minimum lot size, a prevailing lot size is the most frequently occurring lot size on the block face or faces. By establishing this standard, lots cannot be subdivided below the “prevailing” lot size in the designated area. For instance, if 5,000 square feet was established as the prevailing lot size, a lot could not be divided into lots smaller than that size. The ordinance would not change any existing deed restriction.

If your lot is already smaller than the prevailing lot size, you will not be penalized. Existing structures may remain and can be replaced at any time without special permission. New structures that conform to the platting and building codes may be constructed without special permission.

What is a prevailing building line?

Similar to the lot size, a prevailing building line or setback is the most frequently occurring building line on the block face or faces. Once established, structures must be constructed behind the prevailing building line.

If the home on your lot is closer than the prevailing building line, you will not be penalized. The existing structure may remain in place; however, any new structure on the lot must conform to the established prevailing building line.

How long does this designation last?

20 years from the date City Council adopts an ordinance establishing a prevailing lot size or building line.

How do you apply?

Applications can be found on the Planning Department’s web site, www.houstonplanning.com under the *Community Planning* link. The application must then be filed with the Department and must include:

- ✓ The proposed boundaries
- ✓ Map or sketch showing the address and land use for all lots
- ✓ Data for each lot that shows either the lot size (actual) for lot size applications or distance from property line to residence for building line applications
- ✓ Petition signed by at least one property owner
- ✓ Evidence of support



What criteria must the neighborhood meet to qualify for this application?

- ✓ For prevailing lot sizes, at least 60% of the lots are single family (single family is defined as developed with or are restricted to not more than two single-family units per lot).
- ✓ For prevailing building lines, more than 50% of the lots must be single-family.
- ✓ The proposed area includes all properties within at least one blockface.
- ✓ The petition demonstrates sufficient evidence of support from property owners in the proposed area.
- ✓ The establishment of a prevailing lot size or building line will further the goal of preserving the character of the area.
- ✓ The finding that the area has a prevailing building line/lot size.
- ✓ For lot size, 75% of the lots (exclusive of corner lots) have a size that does not vary by more than 10% from the average size of the lots within the proposed area.
- ✓ For building line, 75% of the single family properties have a building line that varies by no more than 5 feet from the most frequently occurring building line.

Note: To determine the lot size/building line for each lot in your proposed area, go to www.hcad.org and research each property address. Follow the instructions to view the map page which will provide measurements of lots. For building lines, property surveys are typically used. If you need assistance with identifying your area's lot size/building, please contact Planning staff at 713-837-7701.

What happens after the application is submitted?

- All new development proposals submitted after the prevailing lot size or building line application must comply with the proposed prevailing lot size and/or building line throughout the review and approval period.
- The Department provides written notice to all property owners in the proposed area within ten (10) days and signs are posted in two locations on the blockface(s) to be designated.
- Any property owner in the proposed area may file a written protest within 15 days of the notice of the letter. If the application meets all the rules and there is no written protest or the supporting petition is signed by 51% or more of the owners of the lots or tracts, the Planning Department director shall approve administratively and forward to City Council for final approval.
- The Planning director must refer the application to the Planning Commission for consideration if the application fails to meet criteria, less than 51% of the lot/tract owners signed the petition or a timely protest was filed.
- Planning Commission holds a public hearing with written notice on applications sent to them for consideration.
- If Planning Commission approves the application, it is then forwarded to City Council for final action. If Planning Commission disapproves the application, it is denied.
- Once City Council approves the lot size or building line application, it is recorded and in effect for twenty years. Please note however, that as soon as a complete application is received that does have a prevailing lot size or building line, the application is deemed to be in effect and any subdivision plats must conform to the proposed lot size/building line. If the lot size/building line petition is denied, subdivision plats shall not be subject to the lot size/building line proposal.

